

**Congress of the United States**  
**Washington, DC 20515**

April 30, 2019

Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, D.C. 20510

Honorable Charles Schumer  
Minority Leader  
United States Senate  
Washington, D.C. 20510

Honorable Lindsey Graham  
Chairman  
Judiciary Committee  
United States Senate  
Washington, D.C. 20510

Honorable Dianne Feinstein  
Ranking Member  
Judiciary Committee  
United States Senate  
Washington, D.C. 20510

Dear Majority Leader McConnell, Leader Schumer, Chairman Graham and Ranking Member Feinstein:

We write to you to express our deep concerns and strong opposition to President Trump's nominee J. Campbell Barker for the U.S. District Court for the Eastern District of Texas. The American people deserve a justice that will uphold and protect the rights of all those living in the United States. Unfortunately, a thorough review of J. Campbell Barker's record demonstrates that he falls considerably short of this critical standard. Mr. Barker's confirmation would be a serious setback for our civil rights and liberties.

Mr. Barker's record demonstrates he has worked to restrict voting rights. During his tenure as Texas's Deputy Solicitor General, Mr. Barker defended Texas' discriminatory photo ID law in the case *Abbott v. Veasey*. Texas's ID law was partially struck down by the Fifth Circuit, which ruled that the law violated the Voting Rights Act. Mr. Barker filed a petition for a writ of certiorari and asked the Supreme Court to overturn the Fifth Circuit. Mr. Barker used his brief to perpetuate the dangerous myth of illegal voters and voter-fraud by stating that the Texas ID law "was enacted to prevent voting fraud and to preserve voter confidence in the integrity of elections." Fortunately, the Supreme Court denied Mr. Barker's petition.

Besides his work to undermine voting rights, Mr. Barker has also sought to undermine LGBTQ rights in multiple occasions. In fact, Mr. Barker wrote several amicus briefs for the State of Texas arguing businesses should have the right to discriminate and deny wedding-related services to LGBTQ couples. In the *Masterpiece Cakeshop v. Colorado Civil Rights Commission* brief, Mr. Barker wrote "Public-accommodation concerns of past eras are not present here; customized pieces of art are not public accommodations (like restaurants and hotels), the artist plainly did not act out of invidious discrimination, and complainants had

immediate access to other artists.” On another related brief for *Arlene’s Flowers, Inc. v. Washington*, Mr. Barker once again defended the rights of a business over a LGBTQ couple, to not provide flowers for a same-sex wedding.

This Administration has made it a top priority to limit legal immigration and to target and deport all undocumented immigrants, including Deferred Action for Childhood Arrivals (DACA) recipients, Temporary Protected Status (TPS) recipients, and immigrant mothers and fathers with U.S. citizen children. Similarly, Mr. Barker spent years challenging programs that provide fair and just treatment for immigrant families. In fact, he actively worked to invalidate DACA and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). In an amicus brief filed with the Supreme Court, Mr. Barker wrote: “DACA’s conferral of lawful presence violates Congress’s extensive statutory framework defining when aliens are authorized to be present in the country.” Regarding DAPA, Mr. Barker pushed to invalidate the program and claimed “DAPA is contrary to law and violates the Constitution”. Mr. Barker has also defended Texas’s ban on “sanctuary cities”(Texas Senate Bill 4), which would have eroded public trust and endangered public safety. While Senate Bill 4 was largely struck down by a federal district judge, the Fifth Circuit on appeal mostly upheld Senate Bill 4.

Further, Mr. Barker worked to roll back long-established constitutional rights of women. He defended Texas House Bill 2, which would have required physicians performing an abortion to have admitting privileges at a hospital within 30 miles of where the abortion was performed, and it also would have required that all abortion clinics comply with standards for ambulatory surgical centers. This law was struck down by the Supreme Court in 2016 in *Whole Women’s Health v. Hellerstedt* because it imposed an undue burden on women seeking access to health care.

As Deputy Solicitor General in Texas, Mr. Barker also disregarded individual’s civil rights. He defended Texas’s prior actions, where an African American defendant, Jerry Hartfield, sat in jail for over 30 years due to the mishandling and miscommunication of his case by prosecutors, appellate judges, and the governor’s staff. The timeline for a case of this nature is not only unprecedented, but troubling as Mr. Hartfield was a 61-year old, intellectually disabled man who had originally been coerced into confessing for a crime he did not commit. Despite this, Mr. Barker requested that the Supreme Court reverse the Texas appellate court’s decision on the grounds that Mr. Hartfield had waived his speedy trial claim. The Supreme Court denied Mr. Barker’s certiorari petition, and Mr. Hartfield was released.

Based on Mr. Barker’s judicial record, he does not possess the neutrality and fair-mindedness necessary to serve in a lifetime position as a federal judge. His record of anti-immigrant, anti-LGBTQ, and anti-abortion decisions will have a negative impact on due process and equal protections for all individuals, especially vulnerable populations across the country like immigrant communities, LGBTQ individuals, and women.

We therefore strongly urge you to oppose Mr. Barker’s nomination, and we insist on a nominee with a record demonstrating greater respect for well-established precedents and who ensures equal protections for all Americans, including immigrants and communities of color.

Sincerely,

A handwritten signature in blue ink that reads "JOAQUIN CASTRO". The letters are stylized and connected.

Joaquin Castro  
CHC Chairman

A handwritten signature in blue ink that reads "Ruben Gallego". The signature is fluid and cursive.

Ruben Gallego  
CHC First Vice-Chair

A handwritten signature in blue ink that reads "Nanette Diaz Barragan". The signature is written in a cursive style.

Nanette Diaz Barragan  
CHC Second Vice-Chair

A handwritten signature in blue ink that reads "Adriano Espaillat". The signature is stylized and cursive.

Adriano Espaillat  
CHC Whip

A handwritten signature in blue ink that reads "Veronica Escobar". The signature is cursive and fluid.

Veronica Escobar  
CHC Freshman Representative

A handwritten signature in blue ink that reads "Colin Allred". The signature is very stylized and cursive.

Colin Allred  
Member of Congress